

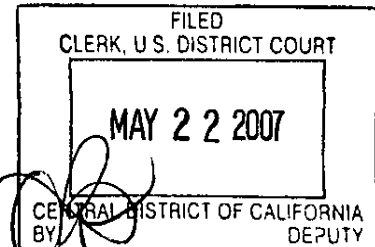
DICAPRIO v. MENU FOODS INCOME FUND et al

Doc. 3 Att. 1

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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

11 LOIS GRADY, KAYE STEINSAPIR,  
 etc.,

Plaintiffs,

vs.

14 MENU FOODS INCOME FUND,  
 15 et al.,

Defendants.

CASE NO. CV 07-2253-GHK (AJWx)

**[PROPOSED] ORDER STAYING  
 ALL PROCEEDINGS AND FOR  
 PRESERVATION OF EVIDENCE**

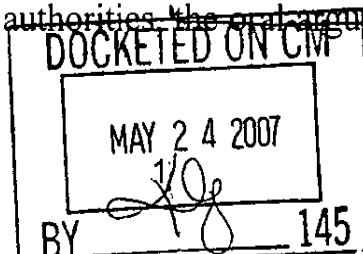
Date: June 11, 2007  
 Time: 10:00 a.m.  
 Ctrm: 650

Judge: Hon. George H. King

NOTE CHANGES MADE BY THE COURT.

21 On <sup>5/22</sup> June 11, 2007, defendants, MENU FOODS INCOME FUND, MENU  
 22 FOODS, INC., MENU FOODS LIMITED, MENU FOODS OPERATING LIMITED  
 23 PARTNERSHIP, and MENU FOODS MIDWEST CORP.'s Motion to Stay All  
 24 Proceedings came on regularly for hearing before the Honorable George H. King, Judge  
 25 presiding in the above-entitled action.

26 Having considered the motion, the papers filed in support thereof and in  
 27 opposition thereto, all relevant authorities, the oral argument of counsel, and the case  
 28 file, the Court hereby,



CV 07-2253-GHK (AJWx)

1 **IT IS ORDERED AND ADJUDGED** that this matter, including the deadlines for  
 2 the parties to participate in class certification and other pretrial proceedings, be stayed  
 3 pending the establishment of *in re: Pet Food Products Liability Litigation*, MDL Docket  
 4 No. 1850, and the potential subsequent transfer of this case for coordinated pretrial  
 5 proceedings with other actions pending throughout the country. *decision by the Panel on Multi-District Litigation on the pending motions to transfer & coordinate/consolidate pending actions! K*  
*decision by the MDL Panel on 6/19/07, which is adverse.*

6 **IT IS FURTHER ORDERED** that all parties shall, during the pendency of the  
 7 stay of this matter, comply with their duty to preserve all evidence that may be relevant  
 8 to this action. This duty extends to documents, electronic data, and tangible things in the  
 9 possession, custody and control of the parties to this action, and any employees, agents,  
 10 contractors, or carriers who possess materials reasonably anticipated to be the subject of  
 11 discovery in this action. "Preservation" is to be interpreted broadly to accomplish the  
 12 goal of maintaining the integrity of all documents, data and tangible things reasonably  
 13 anticipated to be the subject of discovery under Federal Rules of Civil Procedure 26, 45  
 14 and 56(e) in this action. Preservation includes taking reasonable steps to prevent the  
 15 partial or full destruction, alteration, testing, deletion, shredding, incineration, wiping,  
 16 relocation, migration, theft, or mutation of such material, as well as negligent or  
 17 intentional handling that would make material incomplete or inaccessible. If the  
 18 business practices of any party involve the routine destruction, recycling, relocation, or  
 19 mutation of materials, the party must, to the extent practicable for the pendency of this  
 20 order, either:

- 21 i) halt such business practices;
- 22 ii) sequester or remove such material from the business process; or
- 23 iii) arrange for the preservation of complete and accurate duplicates or
- 24 copies of such material, suitable for later discovery if requested.

25 Dated: 5/22/07

26   
 27 THE HONORABLE GEORGE H. KING  
 28 UNITED STATES DISTRICT COURT JUDGE

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 801 South Grand Avenue, 9th Floor, Los Angeles, California 90017-4613.

On May 11, 2007, I served true copies of the following document described as **[PROPOSED] ORDER STAYING ALL PROCEEDINGS AND FOR PRESERVATION OF EVIDENCE** on the interested parties in this action as follows:

**BY MAIL:** I enclosed the document in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Murchison & Cumming's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on May 11, 2007, at Los Angeles, California.

  
MARJORIE K. DE JOHNETTE

SERVICE LIST

EXHIBIT

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